

June 14, 19951

Janet Wadley
Wilson Riles Archives
400 Capital Mall
Sacramento, California

CONSTITUTIONAL INTENT

ARTICLE IX, EDUCATION

SECTION TWO--SUPERINTENDENT OF PUBLIC INSTRUCTION, ELECTION, DATE OF OFFICE, NUMBER OF TERMS.

"A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. The Superintendent of Public Instruction shall enter upon the duties of the office on the first Monday after the first day of January next succeeding each gubernatorial election. No Superintendent of Public Instruction may serve more than 2 terms."

HISTORY: 1849 (original construction) to present.

1849 Constitution--Article IX, Education, Section One.

Source: Copied almost *verbatim* from Iowa's constitution of 1844, Article X, Education and School Lands, Section One.

****copied, 5 pp.** Note only wording change--Substituted "Legislature" for "General Assembly." Popularly elected; three-year term.

1849 California Constitutional Convention Debates:

- September 25, 1849, pp. 202-11, Report of Committee on the Constitution (then Article VIII) and debate in Committee of the Whole. (Section One, Supt. and popular election debate, pp. 202-03).
- October 4, 1849, pp. 346-54, Second convention reading (then Article IX). "First Section was adopted as reported," p. 346; Article IX passed for third reading, p. 354 (no debate section one).
- October 10, 1849, p. 458, Third convention reading, Article IX "taken up, read the third time, and passed" (no debate section one).
- Committee on the Constitution, twenty members; committee minutes not extant, pp. 29, 478-79.
- William M. Gwin's stated reason for using the constitution of Iowa as a model: "because it was one of the latest and shortest." p. 24.

****copied, 18 pp.** MELVYL printout of manuscript sources for William M. Gwin included (3 pp.).

(B) 1862 Constitutional Amendment to Article IX, section one, Statutes, 1862, Ch. 317, pp. 434, 581-86.

****copied, 7 pp.**

(C) 1879 Constitution--Article IX, Education, Section Two.
Source: 1849 California Constitution. Moved from section one to section two, State Supt. to be elected at gubernatorial elections, salary equal to Secretary of State.

****copied, 2 pp.**

1878-79 Constitutional Convention Debates and Proceedings:

- December 24, 1878, p. 832, Committee on Education (minority) report to convention (committee minutes not extant).
- January 20-22, 1879, pp. 1086-1124, Committee of the Whole consideration of article and debate. **Section two, necessity of State Supt. debate, pp. 1091-97.**
- February 18-19, 1879, pp. 1396-1402, 1409-13, Convention first reading of article (no amendment to section two).
- February 26, 1879, pp. 1473-77, Convention second reading of article (no amendment to section two).
- March 1 & 3, 1879, pp. 1499-1501, 1509, Report of Committee on Revision and Adjustment (debate on section six only, and report).
- March 3, 1879, pp. 1515-16, Report of Committee on Reporting and Printing, enrolled copy of constitution.
- Address to the people of California, pp. 1522-23, short explanation of intent for Article IX, but no mention of State Supt.

****copied, 64 pp.**

(D) Robert Desty, The Constitution of California, 1879, pp. 110-17, 301. Parallel arrangement of Article IX, Education, of 1849 and 1879 constitutions; collateral references--Alabama constitution, Article XII, Section seven, and Texas court case.

****copied, 6 pp.**

(E) Constitutional Amendments to present.

- November 8, 1960--Proposition 12, Senate Constitutional Amendment (SCA) 22. Deleted 1879 provision for pay equal to Secretary of State. (Ballot pamphlet, pp. 12-15).
- November 5, 1974--Prop. 11, ACA 99. Deleted gender specific words "he" and "his." (Ballot pamphlet, pp. 40-43, 87-89).
- November 6, 1990--Prop. 140, "Political Reform Act of 1990," term limits. Added third sentence, two-term limit. (Ballot

pamphlet, pp. 68-71, 137-38)

****copied, 17 pp**

See also Education Code, Section 33100 *et. seq.*
(Note Education Code, Section 5000 *et. seq.* covers elections,
but only for school boards of education, not State
Superintendent).

Total pages copied = 119